

United States Court of Appeals For the First Circuit

No. 22-1517

JEAN SHEA BUDROW,

Plaintiff, Appellant,

v.

JPMORGAN CHASE BANK NATIONAL ASSOCIATION; CHASE HOME FINANCE, LLC;
CALIBER HOME LOANS, INC.; SHELLPOINT MORTGAGING SERVICING;
NEWREZ, LLC, d/b/a Shellpoint Mortgage Servicing,

Defendants, Appellees,

U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust;
MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS, LLC,

Defendants.

Before

Kayatta, Howard, and Montecalvo,
Circuit Judges.

JUDGMENT

Entered: April 28, 2023

Appellant Jean Shea Budrow appeals the district court's orders dismissing her complaint against JP Morgan Chase Bank National Association, Chase Home Finance, LLC, Caliber Home Loans, Inc. ("Caliber"), and Shellpoint Mortgaging Servicing and Newrez, LLC d/b/a Shellpoint Mortgage Servicing (together, "Shellpoint"). Upon careful de novo review, we affirm for the reasons set forth in the opinion of the district court. See Germanowski v. Harris, 854 F.3d 68, 71 (1st Cir. 2017) (standard of review). We add only the following: Even if we were to override the mortgage's choice of law provision and apply Massachusetts law and its corresponding statutes of limitations, no claim would survive. The acts and/or omissions of which Ms. Budrow complains either occurred prior to the parties' agreed upon loan modification -- made with knowledge on both sides of their disagreements concerning lender placed insurance -- or were in keeping with the terms of the mortgage. Further, and as pertains to Ms. Budrow's claims under Chapter 93A, the documents cited in the complaint made clear that placing and then cancelling lender placed insurance and assessing escrow in anticipation of taxes were permitted by the parties' mortgage agreement. Thus, Ms. Budrow has failed to state a claim as a matter of law under Chapter 93A. Cf. Jacobson v. Mailboxes Etc. U.S.A., Inc., 646 N.E.2d 741, 746 n.9 (Mass. 1995).

By the Court:

Maria Hamilton, Clerk

cc: Kevin Patrick Polansky, Lyndsey A. Stults, Peter V. Guaetta, Robert Martin Dungan, Jean Shea Budrow